

#### **(4) Remarks**

Reconsideration and allowance of claims 1 to 4 and 13 to 16, drawn to a coating process, are respectfully requested. Claims 5 to 12 stand withdrawn from consideration as being drawn to nonelected invention, election having been made with traverse. No claims are added or canceled.

Applicants will maintain all of the claims in the application until allowable subject matter is indicated, at which time the examiner is requested to reconsider the restriction and withdraw it if it has not been withdrawn by that time.

#### **Formal Matters**

The title has been replaced as suggested.

The objection to claim 1, line 3, has been overcome by adopting the examiner's suggestion.

Claims 13 and 16 have been amended to obviate further rejection under 35 USC §112.

Claim 14 has also been amended to obviate further rejection under 35 USC §112.

#### **Claim Rejections**

##### **1) Rejection based on Pittman, *et al.*, under 35 USC §102(b)**

Claim 1 was rejected under 35 USC §102(b) as being anticipated by Pittman, U. S. Patent No. 5,534,352; however, the amendments to claim 1 clearly overcome the rejection. Specifically, claim 1 now describes the graining coat in greater detail and the manner in which it coats with the base coat. Accordingly, this rejection should be withdrawn.

##### **2) Rejection based on Pittman, *et al.*, under 35 USC §103(a)**

Claims 2 and 3 have been rejected under 35 USC §103(a) as defining an invention which

is obvious from Pittman, *et al.*, U. S. Patent No. 5,534,352. This rejection is respectfully traversed.

The process of the invention utilizes two complementarily pigmented coatings. Both are water based and easy to use, but are together highly durable.

The two colors for the two coats of the inventive process are necessary for the process and nothing like this is suggested by the prior art. The second or graining coat changes the color provided the base coat and highlights the ticks, without simply filling them in with a dark, opaque color. The overall color is that of the desired wood.

The Pittman, *et al.*, reference certainly does not show a second coat as claimed in combination with a first coat to achieve the objectives of this invention. Applicants discussed Pittman, *et al.* in their specification as being for a different process than applicants. Applicants have noted that Pittman, *et al.*, uses a dry buffing compound and does not provide a complete product after the prefinishing, but needs to further finish and then overcoat with a glaze. The powdery buffing compound of Pittman, *et al.* makes final coating strength difficult to come by.

The coating of Pittman, *et al.*, is different in composition and purpose from what is claimed here. Thus, it would not be obvious for the person of ordinary skill in the art to optimize it by using a low application rate to effect the claimed purpose of providing a darkening color to the grain-like recesses in the substrate and to color at least a majority of the grain-like recesses in the substrate, while retaining a coating of that graining coat on the texture surface, which partially screens and color modifies the base coat color and provides a natural look in terms of grain and coloration of a selected wood type.

In applicants' claimed process, the graining coat is selected to be used with a specific color base coat to simulate wood coloration and graining and provide a durable finish. This is not rendered obvious by the teachings of Pittman, *et al.*

**3) Rejection based on Pittman, *et al.*, taken with Porter, U. S. Patent No. 6,201,057, under 35 USC §103(a)**

Claims 2 and 3 have been rejected under 35 USC §103(a) as defining an invention which is obvious from Pittman, *et al.*, U. S. Patent No. 5,534,352, taken with Porter, U. S. Patent No. 6,201,057.

This rejection is respectfully traversed for the reasons above and because there is no reason or motivation for making the change seen from the references themselves. Indeed, even were the changes to be made in accord with the reference teachings for some other purpose, the modified process would not meet the terms of the present claims and would not render such obvious.

Again, applicants stress that their method for making a door appear like a natural wood door – in coloration and graining (and regardless of the substrate color or colors) – is not in any manner taught or suggested by the prior art. The combined use of a base coat with a graining coat – both coatings pigmented specifically to be complimentary in color effect – as provided by the invention, provides a brilliance and depth of natural wood simulation that is distinctly different than achieved by prior art methods.

The two colors are necessary for the process and nothing like this is suggested by the prior art. The second or graining coat changes the color provided the base coat and highlights the ticks, without simply filling them in with a dark, opaque color. As with real wood, the ticks retain their background hue but and have a wood-like look. Even were one skilled in the art to use the Porter coating for weathering resistance, there would be no teaching or direction in the art to positively use the coating as a manner to adjust the color of a base coat to provide the coloration of wood while enabling graining without simply filling ticks with dark pigment.

The invention requires a conscious effort to select complimentary pigments and coating vehicles which when properly applied provides and truly wood like appearance, but is yet very durable and easily achieved. The prior art does not teach enough of the overall process to render

it obvious to the person skilled in the art.

**4) Rejection based on Pittman, *et al.*, taken with Vasishth, *et al.*, U. S. Patent No.4,432,797, under 35 USC §103(a)**

Claims 13 and 14 have been rejected under 35 USC §103(a) as defining an invention which is obvious from Pittman, *et al.*, U. S. Patent No. 5,534,352, taken with Vasishth, *et al.*, U. S. Patent No.4,432,797.

This rejection is respectfully traversed for the reasons above and because there is no reason or motivation for making the change seen from the references themselves. Indeed, even were the changes to be made in accord with the reference teachings for some other purpose, the modified process would not meet the terms of the present claims and would not render such obvious.

The combination of references does not render the claimed process obvious in any manner. The graining effect of the different coats of the invention are not taught, certainly neither reference nor the combination teaches the provision of a wood grain and color by using one fully pigmented coating and one partially transparent pigmented coating to achieve a darkening color to grain-like recesses in the substrate and to color at least a majority of the grain-like recesses in the substrate, while retaining a coating of that graining coat on the texture surface, which partially screens and color modifies the base coat color and provides a natural look in terms of grain and coloration of a selected wood type.

**5) Rejection based on Pittman, *et al.*, taken with Vasishth, *et al.*, U. S. Patent No. 4,432,797 and Porter, under 35 USC §103(a)**

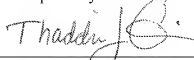
Claims 15 and 16 have been rejected under 35 USC §103(a) as defining an invention which is obvious from Pittman, *et al.*, U. S. Patent No. 5,534,352, taken with Vasishth, *et al.*, U. S. Patent No.4,432,797.

This rejection is respectfully traversed for the reasons above. This rejection, like the

others fails to meet the terms of the claims where the invention as a whole is set out. The combination of references fails to provide any reason or motivation for making the changes necessary to meet the terms of the claims. Indeed, even were the changes to be made in accord with the reference teachings for some purpose other than applicants', the modified process would not meet the terms of the present claims and would not render such obvious.

Applicants have made a significant contribution to the art of finishing doors and other objects to achieve a natural wood coloration with natural appearing graining. The process of the invention not only appears simple, it is simple – something a handyman or even a skilled cabinet shop owner will truly appreciate. The claims set forth the invention clearly and concisely in terms which distinguish from the prior art. Accordingly, allowance of all claims is believed in order and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Thaddius J. Carvis', is written over a horizontal line.

Thaddius J. Carvis  
Attorney for Applicant  
Registration No. 26,110

102 North King Street  
Leesburg, Virginia 20176  
Tel (703) 737-7817  
Fax (703) 737-7813